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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,634	02/08/2006	Dieter Guldenfels	031529.00106	1297
26712	7590	06/22/2007		
HODGSON RUSS LLP THE GUARANTY BUILDING 140 PEARL STREET SUITE 100 BUFFALO, NY 14202-4040			EXAMINER DEUBLE, MARK A	
			ART UNIT 3651	PAPER NUMBER
			MAIL DATE 06/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,634	Applicant(s) GULDENFELS ET AL.	
	Examiner Mark A. Deuble	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (U.S. Patent No. 6,308,825).

Nakamura shows belt module B for use with a pivot rod C having a plurality of first and second links with intercalating link ends with openings formed therein for reception of a pivot rod. An edge portion of the module has a pivot rod opening 15 in line with the openings in the link ends such that the pivot rod can be removed in the transverse direction. The edge portion of the module has a slot 10 formed therein parallel to the direction of belt travel that intersects with the pivot rod opening. A blocking member A is disposed in the slot so that it may be moved between a first position allowing for pivot rod removal and a second position in which the end of the pivot rod is prevented from exiting the edge portion pivot rod opening. The blocking member has detent portions 3 that extend into detent openings 12 when the blocking member is in the first position. Slots 5 allow the blocking member to flex so that the detent members may be moved past walls 13 as the blocking member is moved from the first to the second position. The walls 13 engage the detent members when the blocking member is in the second position. The blocking member has an L-shape so that the forward motion of the blocking member from the first to the second position is limited by the wider portion of the member. Thus Nakamura

Art Unit: 3651

shows all the structure and steps required by claims 1-17 except for the edge portion pivot rod opening with a larger diameter than the other pivot rod openings. This is because the module of Nakamura employs a non-headed pivot rod. However, the teachings of Nakamura would be equally adaptable to use with the headed pivot rods commonly used in the art. When such a pivot rod is used, the edge portion pivot rod opening would have a diameter larger than the diameter of the first and second pivot rod openings. This result could be achieved without undue experimentation so that when a headed pivot rod is used with the invention of Nakamura, it would have all the steps and structure required by the present invention. This result could be achieved without undue experimentation so that when a headed pivot rod is used with the invention of Verdigets et al., it would have all the steps and structure required by the present invention.

3. Claims 1-6, 8-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verdigets et al. (U.S. Patent No. 5,904,241).

Verdigets et al. shows belt module for use with a pivot rod having a plurality of first and second links 22/23 with intercalating link ends with openings formed therein for reception of a pivot rod. An edge portion of the module has a pivot rod opening 37 in line with the openings in the link ends such that the pivot rod can be removed in the transverse direction. The edge portion of the module has a slot 32 formed therein parallel to the direction of belt travel that intersects with the pivot rod opening. A blocking member 41 is disposed in the slot so that it may be moved between a first position allowing for pivot rod removal and a second position in which the end of the pivot rod is prevented from exiting the edge portion pivot rod opening. The blocking member has detent portions 56 that extend into detent openings 29 when the blocking

Art Unit: 3651

member is in the first position. The blocking member flexes so that the detent members may be moved past walls as the blocking member is moved from the first to the second position. The walls engage the detent members when the blocking member is in the second position. The blocking member has an L-shape so that the forward motion of the blocking member from the first to the second position is limited by the wider portion of the member. Thus Verdigets et al. shows all the structure and steps required by claims 1-6, 8-14 and 16-17 except for the edge portion pivot rod opening with a larger diameter than the other pivot rod openings. This is because the module of Verdigets et al. employs a non-headed pivot rod. However, the teachings of Verdigets et al. would be equally adaptable to use with the headed pivot rods commonly used in the art. When such a pivot rod is used, the edge portion pivot rod opening would have a diameter larger than the diameter of the first and second pivot rod openings. This result could be achieved without undue experimentation so that when a headed pivot rod is used with the invention of Verdigets et al., it would have all the steps and structure required by the present invention.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guldenfels (U.S. Pub. No. 2002/0195321) or Costanzo (U.S. Pub. No. 2001/0045346) in view of Nakamura.

Both Guldenfels and Costanzo show a belt module for use with a headed pivot rod having a plurality of first and second links with intercalating link ends with openings formed therein for reception of a pivot rod. An edge portion of each module has a pivot rod opening in line with the other openings in the link ends that is larger in diameter than the other pivot rod openings in order to accommodate the heads on the pivot rods and so that the pivot rod can only be removed in one transverse direction. However, neither of the belt modules employs a robust means for

keeping the rods in the belt. Nakamura teaches that the blocking member and slot arrangement described above advantageously keeps the pivot rods from migrating out of the belt. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the belt modules of Guldenfels or Costanzo with a slot and blocking member arrangement of the type shown in Nakamura in order to prevent the pivot rods from migrating out of the belt modules. When this is done, the resulting apparatus would have all the structure required by claims 1-17.

5. Claims 1-6, 8-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over (U.S. Pub. No. 2002/0195321) or Costanzo (U.S. Pub. No. 2001/0045346) in view of Verdigets et al. (U.S. Patent No. 5,904,241).

Both Guldenfels and Costanzo show a belt module for use with a headed pivot rod having a plurality of first and second links with intercalating link ends with openings formed therein for reception of a pivot rod. An edge portion of each module has a pivot rod opening in line with the other openings in the link ends that is larger in diameter than the other pivot rod openings in order to accommodate the heads on the pivot rods and so that the pivot rod can only be removed in one transverse direction. However, neither of the belt modules employs a robust means for keeping the rods in the belt. Verdigets et al. teaches that the blocking member and slot arrangement described above advantageously keeps the pivot rods from migrating out of the belt. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the belt modules of Guldenfels or Costanzo with a slot and blocking member arrangement of the type shown in Verdigets et al. in order to prevent the pivot rods from

Art Unit: 3651

migrating out of the belt modules. When this is done, the resulting apparatus would have all the structure required by claims 11-6, 8-14, and 16-17.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited prior art not discussed above show conveyor belt modules with retaining structures similar to that of the present invention.

7.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is (571) 272-6912. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark A. Deuble
Primary Examiner
Art Unit 3651

A handwritten signature in black ink, appearing to read 'Mark A. Deuble', with a long horizontal stroke extending to the right.

md